

REMARKS

Claims 1-10, 19-19-22 and 40-47 are pending in the instant application. Claim 5 stands withdrawn pursuant to Examiner's most recent Restriction Requirement. In the Office Action, claims 1-4 and 6-9 and 40-47 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Pat. No. 5,852, 485 to Shimada, et al. (hereinafter, "Shimada") in view of U.S. Pat. No. 6,198,520 to Kondo, et al. (hereinafter, "Kondo"). Claim 10 is rejected under 35 U.S.C. § 103(a) as allegedly obvious over Shimada in view of Kondo, and further in view of U.S. Pat. No. 6,469,764 to Kim, et al. (hereinafter, "Kim"). Claims 19-21 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Shimada in view of Kondo and Kim, and further in view of U.S. Pat. No. 6,023,317 to Xu, et al. (hereinafter, "Xu") and U.S. Pat. No. 5,677,747 to Ishikawa, et al. (hereinafter, "Ishikawa"). Claim 22 is rejected under 35 U.S.C. § 103(a) as allegedly obvious over Shimada in view of Kondo, and further in view of Kim and U.S. Pat. No. 6,160,604 to Murai, et al. (hereinafter, "Murai"). Applicant respectfully traverses all rejections, for at least the reasons set forth below.

Claim 1 recites a liquid crystal display device having, *inter alia*, a gate insulation film disposed on a first substrate and between a gate and a source or a drain of at least one thin film transistor, a protection film disposed on a gate insulation film or plural thin film transistors, a color filter layer disposed on the protection film, and an interlayer separation film disposed above the color filter layer. The Office Action admits that this structure is neither taught nor suggested by Shimada. The Office Action offers Kondo, and alleges that Kondo discloses "an IPS LCD device in which a color filter (5) can be formed over a protection film (insulating layer 24)." (Office Action, p. 3) Applicant respectfully disagrees.

Looking first to Shimida, the reference states "As shown in FIG. 12B, the TFT 230 includes the gate electrode 22', the gate insulation film 23, the semiconductor layer 24, and a channel protection layer 25 formed in the center of the semiconductor layer 24, and contact layers 26a and 26b formed so as to cover both edges of the channel protection layer 25." (Shimida, Col. 21, lines 52-58) However, as recited in claim 1, the protective film is formed on the TFT. Therefore, the statement in the Office Action that "the modify [sic] to Shimida et al. is to form the color filter layer (5) over the protective film (insulating layer 24)..." does not correspond to the structure disclosed in Shimida. It can be seen that Shimida does not disclose a protective film as recited in the claim.

Looking next to Kondo, insulating film 4 and insulating layer 24 are disclosed between the common electrode 2 and the pixel electrode 3, and therefore correspond to the interlayer separation film recited in claim 1. Therefore, Kondo does not teach the claimed invention either.

Even presuming, *arguendo*, that there were some motivation to combine the reference, the references taken together do not teach the claimed invention. Claim 1 recites a color filter layer disposed on a protection film, and an interlayer separation film disposed above the color filter layer. Therefore, as recited in the claim, the protective film, the color filter layer, and the interlayer separation film are stacked, bottom to top, in this order. Neither Shimida nor Kondo, even if taken in combination, teaches or suggests these features in this order.


Therefore, Applicant respectfully submits that claim 1 is patentably distinguished over the applied references. Claims 2-4, 6-10, 19-22 and 40-47 each depend, either directly or indirectly, from claim 1. Each ground of rejection set forth in the Office Action is premised upon the application of Shimida and Kondo to the structure recited in claim 1, which has been obviated above. Neither Kim, Xu, nor Ishikawa, taken singly or in any combination with each

other or Shimida and Kondo, offer any teaching or suggestion to ameliorate the deficiencies of the Shimida and Kondo relative to claim 1. While these dependent claims are each separately allowable, they are submitted as allowable for at least the same reasons as the underlying independent base claim.

In the interest of brevity, Applicant has addressed only so much of the rejection(s) as is considered sufficient to demonstrate the patentability of the claim(s). Applicant's failure to address any part of the rejection should not be construed as acquiescence in the propriety of such portions not addressed. Applicant maintains that the claims are patentable for reasons other than these specifically discussed, *supra*.

In light of the foregoing, Applicant respectfully submits that all claims recite patentable subject matter, and kindly solicits an early indication of allowability of all claims. In light of the allowability of generic claim 1, rejoinder of withdrawn claim 5 is kindly requested. If the Examiner has any reservation in allowing all claims, and believes that a telephone interview would advance prosecution, they are kindly requested to telephone the undersigned at an earliest convenience.

Respectfully submitted,



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